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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,900	03/01/2002	Robert Douglas	049601-5001	1637
47022	7590 09/29/2006	EXAMINER		
THE LAW (OFFICE OF RICHARI	TSE, YOUNG TOI		
CHURCHILL	-		ART UNIT	PAPER NUMBER
	,		2611	

DATE MAILED: 09/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SF

Application No.	Applicant(s)		
10/086,900	DOUGLAS ET AL.		
Examiner	Art Unit		
YOUNG T. TSE	2611		

Advisory Action	10/086,900	DOUGLAS ET AL.				
Before the Filing of an Appeal Brief	Examiner	Art Unit				
	YOUNG T. TSE	2611				
The MAILING DATE of this communication appe	ars on the cover sheet with the c	correspondence addi	ress			
THE REPLY FILED 07 September 2006 FAILS TO PLACE THI						
 The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expiresmonths from the mailing date of the final rejection. 						
b) A The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire I. Examiner Note: If box 1 is checked, check either box (a) or	Advisory Action, or (2) the date set forth ater than SIX MONTHS from the mailin (b). ONLY CHECK BOX (b) WHEN THE	g date of the final rejection	on.			
TWO MONTHS OF THE FINAL REJECTION. See MPEP 7. Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of ex under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL	06.07(f). on which the petition under 37 CFR 1.1 tension and the corresponding amount shortened statutory period for reply orig r than three months after the mailing da	36(a) and the appropriat of the fee. The appropriationally set in the final Office	te extension fee ate extension fee ce action: or (2) as			
2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS						
3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below);						
 (c) ∑ They are not deemed to place the application in being appeal; and/or (d) ☐ They present additional claims without canceling a 			he issues for			
NOTE: (See 37 CFR 1.116 and 41.33(a)).						
4. The amendments are not in compliance with 37 CFR 1.1	21. See attached Notice of Non-Co	empliant Amendment (PTOL-324).			
 5. Applicant's reply has overcome the following rejection(s): 6. Newly proposed or amended claim(s) 1-4,6-14,21-25 and 28-33 would be allowable if submitted in a separate, timely filed 						
 amendment canceling the non-allowable claim(s). 7. ∑ For purposes of appeal, the proposed amendment(s): a) ∑ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: 						
Claim(s) allowed: <u>1-4,6-14,21-25 and 28-33</u> . Claim(s) objected to: <u>34</u> . Claim(s) rejected: <u>5,15-20,26 and 27</u> .						
Claim(s) withdrawn from consideration:						
AFFIDAVIT OR OTHER EVIDENCE 8. The affidavit or other evidence filed after a final action, but because applicant failed to provide a showing of good an was not earlier properted. See 37 CER 1.116(a)	it before or on the date of filing a N d sufficient reasons why the affiday	otice of Appeal will <u>no</u> vit or other evidence is	t be entered necessary and			
was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).						
10. The affidavit or other evidence is entered. An explanatio REQUEST FOR RECONSIDERATION/OTHER						
 The request for reconsideration has been considered bu See Continuation Sheet. 			ice because:			
12. Note the attached Information Disclosure Statement(s).13. Other:	(PTO/SB/08) Paper No(s). <u>200607</u>	<u>13</u>				
	į.	YOUNG T. TSE Primary Examiner Art Unit: 2611	.			

Continuation of 11. does NOT place the application in condition for allowance because: Regarding claim 15, the term "an output at which is incident a filtered signal that is consistent with the input signal received a constant number of samples previously" is not understood. The Applicants explain that the output of the self-tuning filter is a filtered signal that corresponds to the unfiltered input signal and that the output signal follows receipt of the corresponding unfiltered input signal by a constant number of samples. However, the input signal is referred to the second input which corresponding to a sensor, wherein the output of the sensor or the second input is an analog signal (see page 8, line 3-15 of the specification), not digital signals or a constant number of sampls previously as recited in claim 15. In claim 5, the claimed subject matter of "the input is an input of the data acquisition unit" is alread recited in claim 1. In claim 26, "the value incident" lacks antecedent basis, wherein claim 27 depends on claim 26. In claim 34, line 3, "a data acquisition unit" should be "the data acquisition unit". Note: regarding the claimed subject matters of claims 1-11, 17 and 21-34, the self-tuning filter is within or part of the data acquisition unit. However, according to the present invention shown in Fig. 1 and described in the specification, a data acquisition application 100 comprises a sensor (not shown), a self-tuning filter 101, a data acquisition device 112, and an engine encoder 124. Regarding the claimed subject matters recited in claims 1, 17, 31 and 34, clearly, the data acquisition unit is referred to the data acquisition device 112 of Fig. 1. Therefore, the configuration of claims 1-11 and 21-30 does not correspond to the disclosure of Figure 1, for example, as recited in claims 1 and 11, in a data acquisition unit, a self-tuning filter comprising or a recited in claim 21, data acquisition unit comprising, for instance, a self-tuning filter 101 which clearly is not the case as shown in Fig